



FACT

FOUNDATION FOR
ACCOUNTABILITY
AND CIVIC TRUST

August 24, 2022

Omar Ashmawy
Chief Counsel
Office of Congressional Ethics
U.S. House of Representatives
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RE: Rep. Dina Titus (Nevada)

Dear Mr. Ashmawy,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We request the Office of Congressional Ethics (OCE) immediately investigate Representative Dina Titus for stating to the House Clerk that she could not vote in person due to the ongoing COVID pandemic, when the actual reason for her proxy votes was so that she could campaign and attend political events.

Rep. Titus is a current House Member and is running for reelection. As of August 18, 2022, Titus has voted by proxy 114 times.¹ Each time Titus filed a letter with the House Clerk that stated, “I am unable to physically attend proceedings in the House Chamber due to the ongoing public health emergency and hereby grant the authority to cast my vote by proxy to the Honorable Frank Pallone, who has agreed to serve as my proxy.”² Yet, contrary to Titus’s statement to the House Clerk, it is evident the true reason she voted by proxy on multiple occasions is unrelated to the COVID-19 pandemic. Rather, it was so she could campaign for reelection or attend political events.

Some examples where Titus has attended in-person campaign or political events while stating to the Clerk of the House that she was unable to attend in person proceedings due to the pandemic are:

¹ Roll Call Votes, Clerk Of The United States House Of Representatives, available at: <https://clerk.house.gov/Votes>.

² Rep. Dina Titus, Proxy Letter, Aug. 10, 2022, available at: <https://clerk.house.gov/legislative/proxy-letters/117/2/active/Titus-NV01-20220810-27.pdf>. Titus’ proxy vote letters filed with the Clerk have been identical except for the name of the Member authorized to vote on her behalf.

On January 12, 2021, Titus voted by proxy and on the same day her campaign paid for a meal at the Democratic Club, just blocks away from the House Chamber.³

On June 13, 2022, Titus filed a proxy letter and on the same day posted photographs to her social media account showing she attended and spoke at a political event:⁴



³ Roll Call No. 13 Proxy Votes, Clerk Of The House Of Representatives, Jan. 12, 2021, available at: <https://clerk.house.gov/legislative/proxy-letters/117/1/votes/2021/roll13.pdf>; Itemized Disbursements, Titus For Congress, Federal Election Commission, available at: <https://docquery.fec.gov/cgi-bin/forms/C00499467/1512480/sb/ALL>.

⁴ Rep. Dina Titus, Proxy Letter, Jun. 13, 2022, available at: <https://clerk.house.gov/legislative/proxy-letters/117/2/20220613/Titus-NV01-20220613-25.pdf>; Dina Titus, Twitter, Jun. 13, 2022, available at: https://twitter.com/repdinatitus/status/1536434466268364807?s=20&t=qIZQz_Y86uABwTudFpMdWw.

On June 14, 2022, Titus voted by proxy and on the same day posted photographs on her social media account that she attended an in-person event to campaign:⁵



On August 12, 2022, Titus voted by proxy and on the same day posted photographs on social media showing she was campaigning and meeting with residents:⁶



⁵ Roll Call No. 259 Proxy Votes, Clerk Of The House Of Representatives, Jun. 14, 2022, available at: <https://clerk.house.gov/legislative/proxy-letters/117/2/votes/2022/roll259.pdf>; Dina Titus, Twitter, Jun. 14, 2022, available at: <https://twitter.com/repdinatitus/status/1536889937022398466?s=20&lang=en>.

⁶ Roll Call No. 420 Proxy Votes, Clerk Of The House Of Representatives, Aug. 12, 2022, available at: <https://clerk.house.gov/legislative/proxy-letters/117/2/votes/2022/roll420.pdf>; Dina Titus, Twitter, Aug. 12, 2022, available at: <https://twitter.com/repdinatitus/status/1558177740687392769?s=20&lang=en>.

Law. On May 15, 2020, the ability to vote by proxy was authorized at any time after the Speaker of the House was notified by the Sergeant-at-Arms that a “public health emergency due to a novel coronavirus is in effect.”⁷ Thus, the purpose for the use of a proxy vote must be due to the “public health emergency” and the procedure for proxy voting was **not authorized for any other purpose**.⁸

The House ethics rules require Members to “conduct themselves at all times in a manner that reflects creditably on the House.”⁹ This is a broad and “comprehensive provision” that is applied to any conduct taken in a Member’s official capacity.¹⁰ For example, Members have been investigated and disciplined under this rule related to “making statements that impugned the reputation of the House” and “making false statements to the [Ethics] Committee.”¹¹

Members are further required to adhere both to the spirit and the letter of the House ethics rules, and thus they must read all the rules and ethical requirements broadly.¹² This includes the House rules adopted “to ensure Congress can continue legislation during COVID-19,” under which Members are permitted to vote by proxy and virtually attend committee meetings when needed because “a public health emergency due to a novel coronavirus is in effect.”¹³

Rep. Titus’s Abuse of the Proxy Vote. Titus has violated the proxy voting rules. Titus stated to the House Clerk that she was “unable to physically attend” House proceedings due to the COVID-19 pandemic. However, the evidence demonstrates the real reason she voted by proxy was not at all related to the pandemic, but was so that she could campaign for reelection.

⁷ House Resolution 965, *Authorizing Remote Voting by Proxy in the House of Reps. & Providing for Official Remote Comm. Proceedings During a Public Health Emergency Due to a Novel Coronavirus, & for Other Purposes*, 116th Congress 2019-2020 (May 15, 2020), available at: https://www.congress.gov/bills/116/congressional_acts/965/text.

⁸ *Id.*

⁹ House Ethics Manual, Comm. on Standards of Official Conduct, U.S. House of Reps., at 1, 12, 186 (2008 ed.), available at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf (citing House Rule 23, clause 1).

¹⁰ *Id.* at 13.

¹¹ *Id.* at 14 (citing House Comm. on Standards of Official Conduct, *In the Matter of Representative Charles H. Wilson (of California)*, H. Rep. 95-1741, 95th Cong., 2d Sess. 4-5 (1978); H. Rep. 95-1743, 114th Cong. Rec. 8785, at 3-4 (Counts 3-4) (Apr. 3, 1968); *Id.* at 16 (citing House Comm. on Standards of Official Conduct, Investigation of Certain Allegations Related to Voting on the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, H. Rep. 108-722, 108th Cong., 2d Sess. (Oct. 4, 2004)).

¹² *Id.* at 17.

¹³ Comm. on Rules, *Congressional Emergency Remote Proceedings*, available at <https://rules.house.gov/press-releases/key-documents-congressional-emergency-remote-proceedings> (“On May 15, 2020, the House adopted House Resolution 965 to ensure Congress can continue legislating during COVID-19. The resolution provided for the temporary implementation of remote voting on the House Floor and virtual committee proceedings during a ‘covered period’ designated by the Speaker after receiving a notification from the Sergeant-at-Arms, in consultation with the Attending Physician, that a public health emergency due to a novel coronavirus is in effect.”).

The rules are quite clear—the proxy vote may only be used for reasons related to the pandemic and not for any other purposes, including campaigning. This is evidenced by the fact that in order to vote by proxy, a Member must file a statement with the House Clerk declaring the reason for the proxy vote is related to the pandemic, and if that is not the case the Member is making a false statement to the House Clerk.

Additionally, Rep. Titus's statement that she made to the House Clerk was done in her official capacity and directly related to her official duties. Her abuse of the proxy vote rules and the statements she made to the House Clerk in order to do so do not reflect creditably on the House. One issue the House Ethics Manual acknowledges is the public perception that incumbents are simply using the office to run for reelection or for higher office, and the reason for that perception is quite evident in Titus's actions.

The ethics rules function to maintain the integrity of government action. The Office of Congressional Ethics is responsible for ensuring each Representative fulfills the public trust inherent in the office and that they comply with the House's ethical standards. Therefore, we urge the Board to immediately investigate whether Representative Titus abused the House proxy voting rules and House ethics rules.

To the best of my knowledge and ability, all evidence submitted was not obtained in violation of any law, rule, or regulation. Further, I am aware that the False Statements Act, 18 U.S.C. § 1001, applies to information submitted to the Office of Congressional Ethics.

Sincerely,

/s/Kendra Arnold

Kendra Arnold
Executive Director, Foundation for Accountability & Civic Trust